

FILED

DEC 21 2016

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

**Clerk, U.S. District Court
District of Montana
Missoula**

JOSEPH E. LAWRENCE,

Petitioner,

vs.

**LEROY KIRKEGARD, ATTORNEY
GENERAL OF THE STATE OF
MONTANA,**

Respondents.

Cause No. CV 16-134-M-DLC-JCL

ORDER

This case comes before the Court on Petitioner Joseph E. Lawrence's application for writ of habeas corpus under 28 U.S.C. § 2254. Lawrence is a state prisoner proceeding pro se.

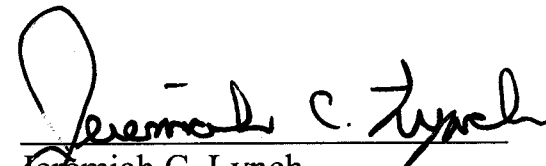
On November 11, 2016, Lawrence was granted an extension of time to file an amended habeas petition. (Doc. 8). Since that time, Lawrence has apparently remained incarcerated in the Ravalli County Detention Facility awaiting further proceedings in case DC 12-127 upon remand from the Montana Supreme Court. (Doc. 9 at 1). Lawrence currently does not have access to all of his legal materials which are being held with his property at the Montana State Prison. *Id.* at 2.

Lawrence has filed a motion to withdraw his petition for a writ of habeas corpus. (Doc. 8). Lawrence seeks dismissal without prejudice. Federal Rule of

Civil Procedure 41(a)(1)(A)(i) provides Lawrence with an avenue for voluntary dismissal.

Accordingly, Lawrence's Motion to Withdraw his petition (doc. 9) is GRANTED. This matter is DISMISSED without prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(B). Lawrence's Motion to Proceed in Forma Pauperis (doc. 2) is DENIED as moot.

DATED this 21st day of December, 2016.


Jeremiah C. Lynch
United States Magistrate Judge